

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

He Yin LIN (A73-166-544)  
Plaintiff

SUMMONS IN A CIVIL ACTION

V.

Michael Chertoff, Secretary of Homeland  
Security; and Andrea Quarantillo, District Director

CASE NUMBER:

07 CIV 7736

JUDGE PRESKA

TO: (Name and address of Defendant)

Michael Chertoff, Secretary of DHS (245 Murray Dr. SW, Building 410,  
Washington, DC 20528) & Andrea Quarantillo, USCIS NYC District  
Director(26 Federal Plaza, New York, NY 10278)

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Yee Ling Poon, Esq.  
Law Offices of Yee Ling Poon  
11 East Broadway, 5th Fl.  
New York, NY 10038

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON


CLERK

AUG 30 2007

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	8/30/2007
NAME OF SERVER ( <i>PRINT</i> ) Peggie Kui	TITLE Mrs.	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input checked="" type="checkbox"/> Other (specify): Priority Mail to: Michael Chertoff (245 Murray Dr. SW Building 410, Washington DC 20528); Andrea Quarantillo (26 Federal Plaza, NY, NY 10278); USAO for SDNY(86 Chambers St.,3rd Fl. NY.NY 10007)</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES \$13.80	TOTAL \$13.80
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 30%;"> <p>Executed on <u>8/30/2007</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 60%; text-align: center;">   <p style="text-align: center; font-size: small;">Signature of Server</p> </div> </div> <div style="text-align: center; margin-top: 20px;"> <p><u>11 E Broadway, 5th FL. New York, NY 10038</u></p> <p style="text-align: center; font-size: small;">Address of Server</p> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

JS 44C/SDNY  
REV. 12/2004

JUDGE PRESKA

CIVIL COVER SHEET

07

CIV

7736

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

He Yin LIN (73-166-544)

## DEFENDANTS

Michael Chertoff, Secretary of DHS  
Andrea Quarantillo, District Director, USCIS NY District Office.

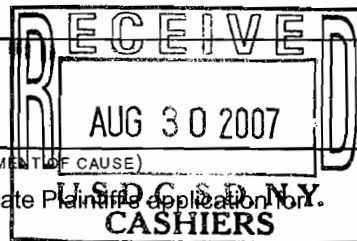
## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Yee Ling Poon, Law Offices of Yee Ling Poon,  
11 East Broadway, 5th Floor, NY, NY 10038 212-385-4575

## ATTORNEYS (IF KNOWN)

## CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. Sec. 1361, complaint for Writ of Mandamus to compel Defendants to adjudicate Plaintiff's application for Adjustment of Status.



Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

CONTRACT		PERSONAL INJURY		PERSONAL INJURY		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 610 AGRICULTURE	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE REAPPORTIONMENT						
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 620 FOOD & DRUG	<input type="checkbox"/> 28 USC 158	<input type="checkbox"/> 410 ANTITRUST						
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY	<input type="checkbox"/> 423 WITHDRAWAL 28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING						
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 424 TRADEMARK	<input type="checkbox"/> 450 COMMERCE/ICC RATES/ETC						
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 460 DEPORTATION						
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)						
<input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 480 CONSUMER CREDIT						
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	<input type="checkbox"/> 355 MOTOR VEHICLE		<input type="checkbox"/> 690 OTHER		<input type="checkbox"/> 490 CABLE/SATELLITE TV						
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<input type="checkbox"/> 360 OTHER PERSONAL INJURY				<input type="checkbox"/> 810 SELECTIVE SERVICE						
<input type="checkbox"/> 190 OTHER CONTRACT					<input type="checkbox"/> 850 SECURITIES/COMMODITIES/EXCHANGE						
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY					<input type="checkbox"/> 875 CUSTOMER CHALLENGE 12 USC 3410						
<input type="checkbox"/> 196 FRANCHISE					<input type="checkbox"/> 891 AGRICULTURE ACTS						
					<input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT						
					<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS						
					<input type="checkbox"/> 894 ENERGY ALLOCATION ACT						
					<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT						
					<input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE						
					<input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES						
					<input checked="" type="checkbox"/> 890 OTHER STATUTORY ACTIONS						

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☒ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [ ] 3	DEF [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

He Yin LIN  
115-95 Lefferts Blvd.,  
South Ozone Park, NY 11420

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Michael Chertoff, Secretary of DHS  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Andrea Quarantillo  
US CIS New York City District Office  
26 Federal Plaza, New York, NY 10278

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE  
(DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[x] YES (DATE ADMITTED Mo. Aug Yr. 1991)

RECEIPT #

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

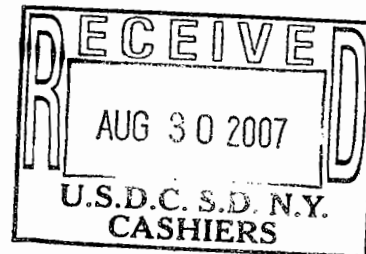
**JUDGE PRESKA****'07 CIV 7736**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NEW YORK, NEW YORK

He Yin LIN  
(A# 73-166-544)

Plaintiff

v.



Michael Chertoff, Secretary of  
Homeland Security;  
and  
Andrea Quarantillo, District Director,  
USCIS New York City District Office.

Defendants

**PLAINTIFF'S ORIGINAL COMPLAINT  
FOR WRIT IN THE NATURE OF  
MANDAMUS**

Plaintiff, by his attorney, Yee Ling Poon, Esq., hereby alleges, upon information and belief, as follows:

**INTRODUCTION**

1. This action is brought against the Defendants to compel action on an application for adjustment of status (INS Form I-485) properly filed by Plaintiff. The application was filed and remains within the jurisdiction of the Defendants, who have improperly withheld action on said application to Plaintiff's detriment.

**PARTIES**

2. Plaintiff He Yin LIN is a thirty-nine year old native and citizen of the People's Republic of China. He is married to a Legal Permanent Resident of the United States, Chun Xiao WU (A42-719-788). Based on an approved petition from his wife, Plaintiff is waiting to adjust status to a Lawful Permanent Resident of the United States.



3. Defendant Michael Chertoff is Secretary of Homeland Security, and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act (INA), and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security (DHS). Pursuant to the provisions of the Homeland Security Act of 2002 (Pub. L. No. 107-296), which was signed into law on November 25, 2002, the functions of the Immigration and Nationality Services of the Department of Justice, and all authorities with respect to those functions, transferred to DHS on March 1, 2003, and the INS was abolished on that date. The transition and savings provisions of the Homeland Security Act, including sections 1512(d) and 1517, provide that references relating to the INS in statutes, regulations, directives or delegations of authority shall be deemed to refer to the appropriate official or component of DHS.
4. Defendant Andrea Quarantillo is an official of USCIS generally charged with supervisory authority over all operations of the USCIS within her District with certain specific exceptions not relevant here. 8 C.F.R. 103.1(g)(2)(ii)(B). Plaintiff filed ~~his~~ I-485 adjustment of status application with the New York City District office where, upon information and belief, his application is currently pending.

### JURISDICTION

5. Jurisdiction in this case is proper under 28 U.S.C. §§1331 and 1361, 5 U.S.C. §555(b), and the Immigration and Nationality Act and regulations implementing it (Title 8 of the CFR). Relief is requested pursuant to said statutes.
6. Under 28 U.S.C. §1331, “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” There is jurisdiction under 28 U.S.C. §1331 because this action arises under 28 U.S.C. §1361 (mandamus), the Administrative Procedure Act (APA) (5 U.S.C. §555(b) and 5 U.S.C. §702), and the Immigration and Nationality Act (INA) and regulations implementing it (Title 8 of the CFR).
7. Under 28 U.S.C. §1361, “[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”
8. The APA requires USCIS to carry out its duties within a reasonable time. 5 U.S.C. §555(b) states that “[w]ith due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it.” USCIS is subject to 5 U.S.C. §555(b). Plaintiff contends that the delays in processing her application for adjustment of status are unreasonable.

9. Both the regulations and the INA provide numerous examples of duties owed by USCIS in the adjustment of status process. 8 U.S.C. §1103 states that “[t]he Attorney General *shall* be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens.” (emphasis added). The Code of Federal Regulations further provides that “[e]ach applicant for adjustment of status under this part *shall* be interviewed by an immigration officer,” 8 C.F.R. §245.6 (emphasis added); and, most importantly, that “the applicant *shall* be notified of the decision of the Director, and, if the application is denied, the reasons for the denial.” 8 C.F.R. §245.2 (emphasis added). The language of the statute and these regulations is mandatory, not discretionary, and requires the Defendants to adjudicate the adjustment of status application.

### VENUE

10. Venue is proper in this court, pursuant to 28 U.S.C. §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District in which a Defendant maintains her office, and where a substantial part of the events or omissions giving rise to Plaintiff’s claim occurred. More specifically, Plaintiff’s application for adjustment of status was properly filed and, to Plaintiff’s knowledge, remains pending with the USCIS office in this district.

### FACTS

11. Plaintiff is a native and citizen of the PRC. He was born on June 14, 1968.
12. Plaintiff is married to Chun Xiao WU, a Legal Permanent Resident of the United States, (A42-719-788). They married in New York, NY on June 11, 1996 and have two children together.
13. On April 26, 1999, Plaintiff’s wife filed an I-130 petition, pursuant to INA § 203(a)(2)(A), for Plaintiff, her husband.
14. On February 05, 2002 the legacy Immigration and Naturalization Service (INS) approved the I-130 petition. (Exhibit 1).
15. On April 06, 2004, Plaintiff filed an I-485 adjustment of status application based on the underlying approved I-130 petition. A visa number was available to him at that time. (Exhibit 2).
16. On August 4, 2005, Plaintiff was interviewed by District Adjudicating Officer (D.A.O.) Villaume at the U. S. Citizenship and Immigration Services(USCIS) located on 711 Stewart Avenue in Garden City, NY. (Exhibit 3)

17. On the day of the Adjustment Interview, Plaintiff was given a written request to submit the Supplement to Form I-693 by September 4, 2005. (Exhibit 4)
18. On August 15, 2005, Plaintiff complied with the Request and, through counsel, mailed the requested completed Supplement Form I-693 to D.A.O. Villaume at the USCIS Office at Garden City, NY. (Exhibit 4)
19. Since his Interview and compliance with the requested material in August of 2005, Plaintiff has not received a decision on his adjustment application. Through counsel, Plaintiff submitted four separate inquiries requesting a decision on his I-485 adjustment application; one written inquiry submitted in person at 26 Federal Plaza, New York, NY Room 310 (Exhibit 5), two other written inquiries sent directly to D.O.A. Villaume at USCIS in Garden City New York (Exhibits 6 and 7), and one telephone inquiry made through the National Customer Service Center (Exhibit 8), on February 9, 2006, October 19, 2006, February 8, 2007, and May 02, 2007, respectively.
20. In Response to his written inquiries, Plaintiff received two undated standardized boilerplate letters from the USCIS, California Service Center, instructing him to inquire via the National Customer Service Center and providing him no information on the status of his application. (Exhibits 6 and 7).
21. In response to his telephone inquiry, Plaintiff received another generic or boilerplate written response dated May 29, 2007 from USCIS at 26 Federal Plaza, New York, NY, stating that they are actively processing his case and have to perform additional review on it. It further instructed Plaintiff to contact the National Customer Service Center if he does not receive a decision within 6 months of the letter. (Exhibit 8).
22. Per USCIS's own Case Status Service Online, the review of the fingerprints taken on 05/24/2004, has been completed. (Exhibit 9).
23. According to USCIS New York NY Processing Dates Posted on July 16, 2007, the filing date of I-485 adjustment application cases that are currently being processed is October 26, 2006; more than two years past the filing date of Plaintiff's adjustment application. (Exhibit 10).

#### **EXHAUSTION OF REMEDIES**

24. Plaintiff has exhausted his administrative remedies. He has complied with all the requirements for seeking adjustment of status and has, both individually and through an attorney, made several inquiries and requests for a decision on his application to no avail.



25. The generic boilerplate responses made to Plaintiff which were devoid of any specific information on the status of his case have no weight and cannot be considered against exhaustion of remedies. Boilerplate responses may continue to be sent by USCIS for another two years without any actual results. USCIS has all the information it needs to adjudicate, security clearance has been completed, and visa numbers have long been available; a response stating that additional review is being made on a case two years after an interview was conducted is equivalent to no response at all.

**REQUEST FOR RELIEF  
COUNT ONE**

26. Defendants have willfully and unreasonably delayed and have refused to render a decision on Plaintiff's application for adjustment of status. Plaintiff's application for adjustment of status has now remained unadjudicated for over three years since the filing of his application, and a month short of two years since his adjustment interview and his full compliance with the request for additional material..
27. The delay in rendering a decision is not attributable to Plaintiff.
28. Defendants owe Plaintiff a duty to render a decision on his adjustment of status application and have unreasonably failed to perform that duty. This duty is owed under the INA and regulations, as well as by the fact that by charging a filing fee, USCIS created for itself an obligation to process and adjudicate the application.
29. Defendants have sufficient information to adjudicate Plaintiff's adjustment of status application.
30. Defendants' refusal to act in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have delayed in and have refused to render a decision on Plaintiff's adjustment application for almost two years, thereby depriving him of the right to a decision on his status and the peace of mind to which Plaintiff is entitled.
31. The delay is unreasonable per se.
32. The delay is unreasonable in light of USCIS estimated processing times and press releases which claim improved processing times and increased efficiency, and which further indicate that adjustment of status applications can be processed in less time now than in prior years.
33. Plaintiff has been greatly damaged by the failure of Defendants to act in accord with their duties under the law.

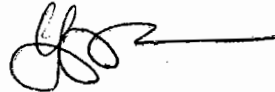
- (a) Plaintiff's elderly parents are in the PRC, who he cannot visit without special permission. So long as his application for adjustment of status is pending, Plaintiff's travel is restricted by federal regulation which requires special permission to travel abroad ("advanced parole") during the pendency of such application. 8 C.F.R. §245.2(a)(4). Departure without the advanced parole would be deemed an abandonment of the permanent resident application. *Id.* Plaintiff will therefore be forced to repeatedly apply (and pay) for this special travel permission, and will be unable to travel while said advanced parole applications will be pending. This situation operates to the great inconvenience and harassment of Plaintiff and her family.
  - (b) Plaintiff has further been damaged in that his employment authorization is tied to his status as an applicant for permanent residency, and is limited to increments not to exceed one year. 8 C.F.R. §274a.12(c)(9). Therefore, as in the case of the advanced parole, Plaintiff has been forced to repeatedly apply (and pay) for extensions of employment authorization, to the continued inconvenience and harassment of Plaintiff.
  - (c) Plaintiff has further been damaged by simply being deprived of the status of lawful permanent resident during the interminable pendency of his application.
  - (d) Plaintiff has further been damaged by being made to suffer an unnecessary delay in obtaining all the rights and privileges deriving from U.S. citizenship, including the right to vote and to fully participate in U.S. society and to petition for his elderly parents to emigrate to the United States.
34. Defendants, in violation of the Administrative Procedures Act, 5 U.S.C. §701 *et seq.*, are unlawfully withholding or unreasonably delaying action on Plaintiff's application and have failed to carry out the adjudicative functions delegated to them by law with regard to Plaintiff's case.
35. Plaintiff has made numerous status inquiries in an attempt to secure adjudication of his application, all to no avail.

#### **PRAYER**

36. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:
- (a) requiring Defendants to render a decision on Plaintiff's application for adjustment of status;

- (b) awarding Plaintiff reasonable attorney's fees; and
- (c) granting such other relief at law and in equity as justice may require.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Yee Ling Poon', with a long horizontal line extending to the right.

/s/ Yee Ling Poon  
Yee Ling Poon, Esq.  
Law Offices of Yee Ling Poon  
11 East Broadway, 5th Floor  
New York, NY 10038  
(212) 385-4575

LIST OF ATTACHMENTS

- Exhibit 1.....I-130 Approval Notice dated February 5, 2002
- Exhibit 2.....I-485 Application filed on April 01, 2004
- Exhibit 3..... Notice Requesting Applicant to Appear for Interview on  
August 4, 2005
- Exhibit 4.....Submission of Requested Evidence dated 8/15/2005
- Exhibit 5.....Info Pass Inquiry Form dated 2/9/2006
- Exhibit 6..... Inquiry Letter to Garden City, NY dated 10/19/2006 and  
USCIS Response- Undated
- Exhibit 7..... Inquiry Letter to Garden City, NY dated 2/12/2007 and  
USCIS Response- Undated
- Exhibit 8..... Inquiry via Natioanl Customer Service Center dated  
05/02/2007
- Exhibit 9.....USCIS Case Status Service Online dated 05/02/2007 with  
I- 485 Receipt Notice
- Exhibit 10.....USCIS New York City NY Processing Dates posted  
July 16, 2007





RECEIPT NUMBER EAC-99-154-50317		CASE TYPE I130 IMMIGRANT PETITION FOR RELATIVE FIANCE(E), OR ORPHAN
RECEIPT DATE April 26, 1999	PRIORITY DATE April 20, 1999	PETITIONER A42 719 738 WU, CHUN XIAO
NOTICE DATE February 5, 2002	PAGE 1 of 1	BENEFICIARY A73 166 544 LIN, HE YIN
CHUN XIAO WU 127 AVENUE C 1ST FLOOR BROOKLYN NY 11218		Notice Type: Approval Notice Section: Husband or wife of permanent resident, 203(a)(2)(A) INA

The above petition has been approved. The petition indicates that the person for whom you are petitioning is in the United States and will apply for adjustment of status. The information submitted with the petition shows that the person for whom you are petitioning is not eligible to file an adjustment of status application at this time.

Additional information about eligibility for adjustment of status may be obtained from the local INS office serving the area where the person for whom you are petitioning lives.

Until the person for whom you are petitioning files an adjustment application, or applies for an immigrant visa, this approved petition will be stored in this office. If the person for whom you are petitioning becomes eligible to adjust status based on this petition, he or she should submit a copy of this notice with Form I-485, Application for Permanent Residence. Form I-485 may be obtained at the local INS office.

If the person for whom you are petitioning decides to apply for an immigrant visa outside the United States based on this petition, the petitioner should file Form I-824, Application for Action on an Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (802) 527-4913



U.S. Department of Justice  
Immigration and Naturalization ServiceOMB No. 1115-0053  
**Form I-485, Application to Register  
Permanent Residence or Adjust Status****START HERE - Please Type or Print****Part 1. Information about you.**

Family Name <b>LIN</b>	Given Name <b>He Yin</b>	Middle Initial
Address - C/O		
Street Number and Name <b>115-95 Lefferts Blvd.</b>		Apt. # <b>#2R</b>
City <b>South Ozone Park</b>		
State <b>NY</b>	Zip Code <b>11420</b>	
Date of Birth (month/day/year) <b>06/14/1968</b>	Country of Birth <b>P.R.China</b>	
Social Security # <b>078-82-5174</b>	A # (if any) <b>73-166-544</b>	
Date of Last Arrival (month/day/year) <b>05/09/1992</b>	I-94 # <b>Lost</b>	
Current INS Status <b>I-130 Approved</b>	Expires on (month/day/year) <b>Unknown</b>	

**Part 2. Application Type. (Check one)**

I am applying for adjustment to permanent resident status because

- a. ☒ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice-- or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. ☐ My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e) [Attach a copy of the fiancé(e) petition approval notice and the marriage certificate.]
- d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- f. ☐ I am the husband, wife, or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- g. ☐ I have continuously resided in the U.S. since before January 1, 1972.
- h. ☐ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

**FOR INS USE ONLY**

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	

**Section of Law**

- ☐ Sec. 209(b), INA  
☐ Sec. 13, Act of 9/11/57  
☐ Sec. 245, INA  
☐ Sec. 249, INA  
☐ Sec. 1 Act of 11/2/66  
☐ Sec. 2 Act of 11/2/66  
☐ Other

**Country Chargeable****Eligibility Under Sec. 245**

- ☐ Approved Visa Petition  
☐ Dependent of Principal Alien  
☐ Special Immigrant  
☐ Other

**Preference****Action Block**To Be Completed by  
Attorney or Representative, if any

- ☒ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Continued on back.

**Part 3. Processing Information**

<b>A. City/Town/Village of Birth</b>	<b>ChangLe</b>	<b>Current occupation</b>
<b>Your mother's first name</b>	<b>Jin Jiao</b>	<b>Your father's first name</b>
		<b>Jian Jian</b>

Give your name exactly how it appears on your Arrival/Departure Record (Form I-94)

N/A

<b>Place of last entry into the U.S. (City/State)</b>	<b>Los Angeles, CA</b>			<b>In what status did you last enter?</b> <i>(Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.)</i>
<b>Were you inspected by a U.S. Immigration Officer?</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<b>H3 Visa</b>	
<b>Nonimmigrant Visa Number</b>	<b>Unknown</b>			<b>Consulate where Visa was issued</b>
<b>Date Visa was issued (month/day/year)</b>	<b>Forgot</b>			<b>Unknown</b>
<b>Sex:</b>	<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female	<b>Marital Status</b>	<input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<b>Have you ever before applied for permanent resident status in the U.S.?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes," give date and place of filing and final disposition.				

**B. List your present husband/wife, all of your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).**

<b>Family Name</b>	<b>WU</b>	<b>Given Name</b>	<b>Chun Xiao</b>	<b>Middle Initial</b>	<b>Date of Birth (month/day/year)</b>	<b>08/23/1971</b>
<b>Country of Birth</b>	<b>P.R.China</b>	<b>Relationship</b>	<b>Wife</b>	<b>A #</b>	<b>42-719-788</b>	<b>Applying with you?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Family Name</b>	<b>LIN</b>	<b>Given Name</b>	<b>Rong Hui</b>	<b>Middle Initial</b>	<b>Date of Birth (month/day/year)</b>	<b>10/06/1995</b>
<b>Country of Birth</b>	<b>USA</b>	<b>Relationship</b>	<b>Daughter</b>	<b>A #</b>	<b>None</b>	<b>Applying with you?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Family Name</b>	<b>LIN</b>	<b>Given Name</b>	<b>Kevin</b>	<b>Middle Initial</b>	<b>Date of Birth (month/day/year)</b>	<b>12/20/1998</b>
<b>Country of Birth</b>	<b>USA</b>	<b>Relationship</b>	<b>Son</b>	<b>A #</b>	<b>None</b>	<b>Applying with you?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Family Name</b>		<b>Given Name</b>		<b>Middle Initial</b>	<b>Date of Birth (month/day/year)</b>	
<b>Country of Birth</b>		<b>Relationship</b>		<b>A #</b>		<b>Applying with you?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Family Name</b>		<b>Given Name</b>		<b>Middle Initial</b>	<b>Date of Birth (month/day/year)</b>	
<b>Country of Birth</b>		<b>Relationship</b>		<b>A #</b>		<b>Applying with you?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none". Include the name(s) of organization(s), location(s), dates of membership from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.**

None



**Part 3. Processing Information (Continued)**

Please answer the following questions. (If your answer is "Yes" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to register for permanent residence or adjust status).

1. Have you ever, in or outside the U.S.:
  - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
  - b. been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
  - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
  - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U.S.? ☐ Yes ☒ No
2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city, or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☐ Yes ☒ No
3. Have you ever:
  - a. within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
  - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
  - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally? ☐ Yes ☒ No
  - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity? ☐ Yes ☒ No
5. Do you intend to engage in the U.S. in:
  - a. espionage? ☐ Yes ☒ No
  - b. any activity a purpose of which is opposition to, or the control or overthrow of, the Government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
  - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No
7. Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion? ☐ Yes ☒ No
9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings? ☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit? ☐ Yes ☒ No
11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver? ☐ Yes ☒ No
13. Are you now withholding custody of a U.S. Citizen child outside the U.S. from a person granted custody of the child? ☐ Yes ☒ No
14. Do you plan to practice polygamy in the U.S.? ☐ Yes ☒ No

Continued on back

Form I-485 (Rev. 02/07/00)N Page 3



**Part 4. Signature.** *(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)*

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

**Selective Service Registration.** The following applies to you if you are a man at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: I understand that my filing this adjustment of status application with the Immigration and Naturalization Service authorizes the INS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon INS acceptance of my application, I authorize INS to transmit to the Selective Service System my name, current address, Social Security number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, the INS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26.

<i>Signature</i>	<i>Print Your Name</i>	<i>Date</i>	<i>Daytime Phone Number</i>
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		3/22/04	
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**Please Note:** If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

**Part 5. Signature of person preparing form if other than above.** *(Sign Below)*

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

<i>Signature</i>	<i>Print Your Name</i>	<i>Date</i>	<i>Daytime Phone Number</i>
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3/22/04	212-385-4575
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<i>Firm Name and Address</i>	LAW OFFICES OF YEE LING POON 11 EAST BROADWAY, SUITE 5A NEW YORK, NEW YORK 10038
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OMB No. 1115-0053 (Expires 05-31-05)

U.S. Department of Justice  
Immigration and Naturalization Service**Supplement A to Form I-485**  
**Adjustment of Status Under Section 245(i)****Only use this form if you are applying to adjust status to that of a lawful permanent resident under Section 245(i) of the Immigration and Nationality Act.**

Part A. Information about you.				INS Use Only
Last Name LIN	First Name He Yin	Middle Initial		
Address: In care of-				
Street Number and Name 115-95 Lefferts Blvd.		Apt # 2R		
City South Ozone Park	State NY	Zip Code 11420		
A # (If any) 73-166-544	Date of Birth (MM/DD/YYYY) 06/14/1968	Country of Birth P.R.China		
Part B. Eligibility. (Check the correct response.)				

**1. I am filing Supplement A to Form I-485 because:**

- a. ☐ I am the beneficiary of a visa petition filed on or before January 14, 1998.  
b. ☒ I am the beneficiary of a visa petition filed on or after January 15, 1998.  
c. ☐ I am the beneficiary of an application for labor certification filed on or before January 14, 1998, and before April 30, 2001.  
d. ☐ I am the beneficiary of an application for labor certification filed on or after January 15, 1998, and on or before April 30, 2001.

*If you checked box c or d on question one, you must submit evidence demonstrating that you were physically present in the United States on December 21, 2000.***2. And I fall into one or more of these categories: (Check all that apply to you.)**

- a. ☐ I entered the United States as an alien crewman;  
b. ☐ I have accepted employment without authorization;  
c. ☒ I am in unlawful immigration status because I entered the United States without inspection or I remained in the United States past the expiration of the period of my lawful admission;  
d. ☐ I have failed (except through no fault of my own or for technical reasons) to maintain, continuously, unlawful status;  
e. ☐ I was admitted to the United States in transit without a visa;  
f. ☐ I was admitted as a nonimmigrant visitor without a visa;  
g. ☐ I was admitted to the United States as a nonimmigrant in the S classification; or  
h. ☐ I am seeking employment-based adjustment of status and am not in lawful nonimmigrant status.

**Part C. Additional eligibility information.****1. Are you applying to adjust status based on any of the below reasons?**

- a. You were granted asylum in the United States;  
b. You have continuously resided in the United States since January 1, 1972;  
c. You entered as a K-1 fiancé(e) of a United States citizen;  
d. You have an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, and are applying for adjustment as a special immigrant juvenile court dependent or a special immigrant who has served in the United States armed forces, or a battered spouse or child;  
e. You are a native or citizen of Cuba, or the spouse or child of such alien, who was not lawfully inspected or admitted to the United States;  
f. You are a special immigrant retired international organization employee or family member;  
g. You are a special immigrant physician;  
h. You are a public interest parolee, who was denied refugee status, and are from the former Soviet Union, Vietnam, Laos or Cambodia (a "Lautenberg Parolee" under Public Law 101-167); or  
i. You are eligible under the Immigration Nursing Relief Act.

☒ **NO.** I am not applying for adjustment of status for any of these reasons. (Go to next question.)☐ **YES.** I am applying for adjustment of status for any one of these reasons. (If you answered "YES", do not file this form.)

**Part C. Additional eligibility information (Continued).****2. Do any of the following conditions describe you?**

- a. You are already a lawful permanent resident of the United States.
- b. You have continuously maintained lawful immigration status in the United States since November 5, 1986.
- c. You are applying to adjust status as the spouse or unmarried minor child of a United States citizen or the parent of a U.S. citizen child at least 21 years of age, and you were inspected and lawfully admitted to the United States.

☒ **NO.** None of these conditions describe me. (Go to next question.)

☐ **YES.** If you answered "YES", do not file this form.

**Part D. Fees.**

Aliens filing this form with Form I-485\* need to pay the following fees:

- \$ 255 Fee required with Form I-485 and
- \$ 50 Fingerprint Service Fee. (Applicants younger than 14 or older than 79 years of age do not have to pay this fee.)
- \$ 1,000 Fee required with Supplement A to Form I-485

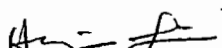
If you filed Form I-485 separately, attach a copy of your filing receipt and pay only the additional sum of \$1,000.

There are two categories of applicants using this form who do not need to pay the \$1,000 fee:

- 1. applicants under the age of 17 years; and
- 2. applicants who are an unmarried son or daughter of a legalized alien and less than 21 years of age or the spouse of a legalized alien, and have attached a copy of a receipt to an approval notice showing that a Form I-817, Application for Voluntary Departure under the Family Unity Program, has been properly filed.

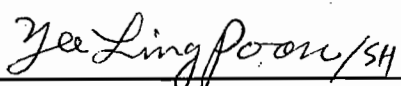
**Part E. Signature.** Read the information on penalties in the instructions before completing this section.

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit being sought.

Signature 	Print Name LIN, He Yin	Date 3/22/04
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**Part F. Signature of person preparing form, if other than above.** Read the information on penalties in the instructions before completing this section.

I certify, under penalty of perjury under the laws of the United States of America, that I prepared this form at the request of the above person and that to the best of my knowledge the contents of this application are all true and correct.

Signature 	Print Name	Date 3/22/04
--	------------	-----------------

Firm Name and Address <b>LAW OFFICES OF YEE LING POON 11 EAST BROADWAY, SUITE 5A NEW YORK, NEW YORK 10038</b>	Daytime Phone Number (Area Code and Number)	212-385-4575
	Fax Number (Area Code and Number)	212-385-4792

U.S. Department of Justice  
Immigration and Naturalization ServiceOMB No. 1115-0066  
**BIOGRAPHIC INFORMATION**

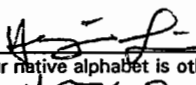
(Family name) <b>LIN</b>	(First name) <b>He Yin</b>	(Middle name)	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE (Mo.-Day-Yr.) <b>06/14/1968</b>	NATIONALITY <b>Chinese</b>	FILE NUMBER <b>A-73-166-544</b>
ALL OTHER NAMES USED (Including names by previous marriages) <b>None</b>			CITY AND COUNTRY OF BIRTH <b>ChangLe, P.R.China</b>		SOCIAL SECURITY NO. (If any) <b>078-82-5174</b>	
FATHER <b>LIN</b>	FIRST NAME <b>Jian Jian</b>	DATE, CITY AND COUNTRY OF BIRTH (If known) <b>10/03/29 ChangLe, PRC</b>		CITY AND COUNTRY OF RESIDENCE. <b>ChangLe, PRC</b>		
MOTHER (Maiden name) <b>CHEN</b>	FIRST NAME <b>Jin Jiao</b>	DATE, CITY AND COUNTRY OF BIRTH (If known) <b>06/12/36 ChangLe, PRC</b>		CITY AND COUNTRY OF RESIDENCE. <b>ChangLe, PRC</b>		
HUSBAND (If none, so state) OR WIFE	FAMILY NAME (For wife, give maiden name) <b>WU</b>	FIRST NAME <b>Chun Xiao</b>	BIRTHDATE <b>08/23/71</b>	CITY & COUNTRY OF BIRTH <b>OuHai, PRC</b>	DATE OF MARRIAGE <b>06/11/96</b>	PLACE OF MARRIAGE <b>New York, NY</b>
FORMER HUSBANDS OR WIVES (if none, so state)						
FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE		DATE AND PLACE OF TERMINATION OF MARRIAGE	
<b>None</b>						

APPLICANT'S RESIDENCE LAST FIVE YEARS. LIST PRESENT ADDRESS FIRST					FROM		TO	
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	MONTH	YEAR	MONTH	YEAR	
<b>115-95 Lefferts Blvd. #2R</b>	<b>South Ozone Park</b>	<b>NY</b>	<b>USA</b>	<b>10</b>	<b>99</b>	<b>PRESENT TIME</b>		
<b>127 Avenue C, 1/F1.</b>	<b>Brooklyn</b>	<b>NY</b>	<b>USA</b>	<b>10</b>	<b>98</b>	<b>10</b>	<b>99</b>	

APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR					FROM		TO	
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	MONTH	YEAR	MONTH	YEAR	

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE) LIST PRESENT EMPLOYMENT FIRST					FROM		TO	
FULL NAME AND ADDRESS OF EMPLOYER	OCCUPATION (SPECIFY)	MONTH	YEAR	MONTH	YEAR			
<b>Airport Laundromat, Inc. - 115-95 Lefferts Blvd. South Ozone Park, NY</b>	<b>Owner</b>	<b>10</b>	<b>99</b>	<b>PRESENT TIME</b>				
<b>Master Wok - 361 7th Ave., Brooklyn, NY</b>	<b>Worker</b>		<b>95</b>	<b>09</b>	<b>99</b>			

Show below last occupation abroad if not shown above. (Include all information requested above.)

THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR: <input type="checkbox"/> NATURALIZATION <input checked="" type="checkbox"/> STATUS AS PERMANENT RESIDENT <input type="checkbox"/> OTHER (SPECIFY): <b>I-485 Application</b>	SIGNATURE OF APPLICANT 	DATE <b>3/22/04</b>
Submit all four pages of this form.		
If your native alphabet is other than roman letters, write your name in your native alphabet here: <b>He Yin</b>		

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

**APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.**

COMPLETE THIS BOX (Family name) <b>LIN</b>	(Given name) <b>He Yin</b>	(Middle name)	(Alien registration number) <b>A73-166-544</b>
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## NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re: LIN, He Yin I-485 Application	DATE 3/22/04 FILE No. A73-166-544
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I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

NAME LIN, He Yin	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input checked="" type="checkbox"/> Applicant <input type="checkbox"/>
ADDRESS (Apt. No.) (Number & Street) (City) (State) (ZIP Code) #2R 115-95 Lefferts Blvd. South Ozone Park NY 11420		

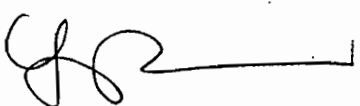
Check applicable item(s) below:

- ☒ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia  
New York State and Federal District Court and am not under a  
(Name of Court)  
~~court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise~~  
restricting me in practicing law.

- ☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

- ☐ 3. I am associated with  
the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

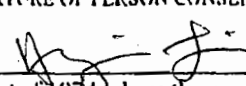
- ☐ 4. Others (Explain fully.)

SIGNATURE 	COMPLETE ADDRESS Law Offices of Yee Ling Poon 11 East Broadway, 5th Floor New York, NY 10038
NAME (Type or Print) Yee Ling Poon	TELEPHONE NUMBER 212-385-4575 Fax: 212-385-4792

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

NAME OF PERSON CONSENTING LIN, He Yin	SIGNATURE OF PERSON CONSENTING 	DATE 3/22/04
--	--	-----------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

# THE UNITED STATES OF AMERICA

<b>REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW</b>			<b>NOTICE DATE</b> March 03, 2005
<b>CASE TYPE</b> <b>FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS</b>			<b>A#</b> A 073 166 544
<b>APPLICATION NUMBER</b> MSC0418911684	<b>RECEIVED DATE</b> April 01, 2004	<b>PRIORITY DATE</b> April 01, 2004	<b>PAGE</b> 1 of 1
<b>APPLICANT NAME AND MAILING ADDRESS</b> HE YIN LIN 115 95 LEFFERTS BLVD APT 2R SOUTH OZONE PARK NY 11420			
<b>PLEASE COME TO:</b> U.S. Citizenship and Immigration Services 711 STEWART AVENUE 2ND FLOOR SECTION 245 GARDEN CITY NY 11530			
1			
<b>ON:</b> Thursday, August 04, 2005 <b>AT:</b> 08:00 AM			
You are hereby notified to appear for the interview appointment, as scheduled above, for the completion of your Application to Register Permanent Residence or Adjust Status (Form I-485). <b>Failure to appear may result in the denial of your application.</b>			
<b>Who should come with you?</b> <ul style="list-style-type: none"><li>■ If your eligibility is based on your marriage, your husband or wife <u>must</u> come with you to the interview.</li><li>■ If you do not speak English fluently, you should bring an interpreter who is neither a relative nor an interested party in your application.</li><li>■ Your attorney or authorized representative may come with you to the interview.</li></ul>			
NOTE: <u>Every</u> adult who comes to the interview must bring Government-issued photo identification, such as a driver's license or ID card, in order to enter the building and to verify his/her identity at the time of the interview. You do not need to bring your children unless otherwise instructed. Please be on time, but do not arrive more than 45 minutes early. We may record or videotape your interview.			
<b>What <u>MUST</u> you bring?</b> <ul style="list-style-type: none"><li>■ Bring this Interview Notice.</li><li>■ Bring your Government-issued photo identification.</li><li>■ Bring <u>all</u> your Passports and <u>any other</u> documents, including your Arrival/Departure Document (Form I-94), used to enter the United States.</li><li>■ Bring your Birth Certificate.</li><li>■ Bring <u>all</u> documentation establishing your eligibility for Lawful Permanent Resident status (see below: "<u>What else should you bring?</u>").</li><li>■ Bring <u>all</u> immigration-related documentation ever issued to you.</li><li>■ Bring both <u>originals and photocopies</u> of all supporting documents. Otherwise, we may keep your originals for our records.</li><li>■ Bring a certified English translation for <u>each</u> document not in English. The translator must certify that s/he is fluent in both languages, and that the translation in its entirety is complete and accurate.</li></ul>			
<b>What else should you bring?</b> <ul style="list-style-type: none"><li>■ Bring any Employment Authorization card or paper, and any Authorization for Advance Parole (Form I-512) ever issued to you.</li><li>■ Bring your petitioner's Birth Certificate <u>and</u> your petitioner's evidence of United States Citizenship or Lawful Permanent Resident status.</li><li>■ If you have children, bring a Birth Certificate for <u>each</u> of your children.</li><li>■ If you are married, bring your Marriage Certificate.</li><li>■ If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring:<ul style="list-style-type: none"><li>■ Your spouse's Birth Certificate <u>and</u> your spouse's evidence of United States Citizenship or Lawful Permanent Resident status;</li><li>■ If either you or your spouse were ever married before, <u>all</u> divorce decrees/death certificates for <u>each</u> prior marriage/former spouse;</li><li>■ Birth Certificates for <u>all</u> children of this marriage, and custody papers for your children and for your spouse's children not living with you;</li><li>■ Supporting evidence of your relationship, such as joint financial statements, joint legal documents, joint insurance policies, and photos.</li></ul></li><li>■ If you have not already submitted it, bring a completed medical examination (Form I-693) <u>and</u> vaccination supplement in a sealed envelope.</li><li>■ Bring your Federal Income Tax returns <u>and</u> W-2's, or certified IRS printouts, for the past 3 years.</li><li>■ If you are employed, bring letters from each of your current employers on company stationery, verifying your current rate of pay <u>and</u> average weekly hours, <u>and</u> bring your pay stubs for the past 2 months.</li><li>■ Bring completed Affidavit(s) of Support (Form I-864), with <u>all</u> required evidence, including the following for <u>each</u> of your sponsors:<ul style="list-style-type: none"><li>■ Federal Income Tax returns <u>and</u> W-2's, or certified IRS printouts, for the past 3 years;</li><li>■ Letters from each current employer on company stationery, verifying current rate of pay <u>and</u> average weekly hours, <u>and</u> pay stubs for the past 2 months;</li><li>■ Evidence of United States Citizenship or Lawful Permanent Resident status.</li></ul></li><li>■ If you have ever been arrested, for <u>each</u> arrest, bring the related Police Report and the original or certified Final Court Disposition, even if the charges have been dismissed or expunged. If no court record is available, furnish a letter from the court with jurisdiction indicating this.</li></ul>			
PLEASE MAKE EVERY EFFORT TO KEEP YOUR APPOINTMENT, even if you do not have all the listed items. If an <u>emergency</u> , such as the hospitalization of a close relative, prevents you from appearing, call the Citizenship and Immigration Services (CIS) customer service as soon as possible. Please be advised that rescheduling will delay processing, may require some steps to be repeated, and will affect your eligibility for other immigration benefits while this application is pending.			
If you have questions, please call CIS customer service at 1-800-375-5283 (hearing impaired TDD service is 1-800-767-1833).			
APPLICANT COPY			



LAW OFFICES OF

**YEE LING POON**

潘綺玲 律師樓

Glory China Tower  
11 East Broadway, 5th Floor  
New York, NY 10038

Tel.: (212) 385-4575  
Fax: (212) 385-4792

August 15, 2005

USCIS  
711 Stewart Avenue  
Garden City, NY 11530  
ATTN: D.A.O. Villaume

Re: **Submission of Evidence**  
LIN, He Yin A73-166-544  
Adjustment Interview Date: 08/04/2005

Dear Officer Villaume:

As per your request, enclosed please find the above applicant's Medical Examination Form I-693 and Supplemental Form I-693.

Thank you for your attention.

Very truly yours,

  
Siu Ling Pun





## United States Citizenship & Immigration Services

ADJUSTMENT OF STATUS UNIT (SECTION 245) • 711 STEWART AVENUE • GARDEN CITY • NEW YORK • 11530

He Yin Lin  
115 95 Lefferts Blvd.  
South Ozone Park, NY 11420

DATE: August 4, 2005  
FILE NO: A 73 166 544

**PLEASE RETURN REQUESTED MATERIAL BY: SEPTEMBER 4, 2005**

**PLEASE SUBMIT THE FOLLOWING DOCUMENTS:**

1. Employment letter from the beneficiary.
2. Please submit copies of Form 1040 along with W-2 Forms for years 2004, 2003, 2002. Form 1040 must show it has been filed correctly with the IRS and indicates it has been received.
3. Have the civil surgeon completely fill out the Form I-693 Supplement and submit to me in a sealed envelope.
4. I-601 Waiver and supporting documents.
5. Any Proof of Marital Union such as copies of bills, driver's licenses, credit card statements, with both names, proof of health insurance coverage and life insurance showing your spouse as beneficiary.
6. Family Pictures from 2001 and 2002
7. The supporting documents needed for the Form I-864-2003, 2002, W-2 Forms or transcript from IRS.
8. Copies of the divorce decrees for you and your petitioner.

PLEASE MAIL THE REQUESTED INFORMATION **WITH THIS LETTER** TO:

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES  
711 STEWART AVENUE  
GARDEN CITY, NEW YORK 11530  
ATTN.: D. A. O. VILLAUME

C.C.: SIU LING PUN, ESQ.



Lin, He Yin

I-693

Lin, He Yin

Supplement Form I-693

file

8<sup>TH</sup> FL  
ROOM 800

## U.S. CITIZENSHIP AND IMMIGRATION SERVICES

## INQUIRY

PLEASE fill out ALL parts of this form. Writing inquiries may be left in 8<sup>TH</sup> Fl. Room 800. All inquiries will be responded to by mail. There will be No exception!

SEC:245

Today date 2/9/06 Type of application/Petition: I-130 I-485 / OtherName of Applicant FIRST NAME: He YinLAST NAME: LINName of person Filing Inquiry (who should we call?) Law Offices of Yee Ling PoonApplicant's date of birth 14/06/1968 Applicant's country of birth P. R. China  
dd/mm/yearApplicant's Alien Registration # (File #) 73-166-544

Applicant's Telephone #

(718) 845-7837

Representative's Telephone #

(212) 385-4575

Applicant's Present Address:

Name  
115-95 Lefferts Blvd.  
Street Apt #  
South Ozone Park, NY 11420  
City State ZIP Code

Representative's Address:

Law Offices of Yee Ling Poon  
Name  
11 E Broadway, 5/F.  
Street Apt #  
New York NY 10038  
City State ZIP Code

Have you been interviewed? Yes No. If Yes When? 08/04/2005Who was your Interviewing Officer? DAO VillanueWhen was your Application filed? 04/06/2004Reason for Inquiry? I haven't received your decision since I was interviewed.

Please complete ALL parts of this form, be as specific as possible. Failure to complete this form completely will result in significant delays in our response to your Inquiry.

2006 FEB 24 AM 9:30  
SECTION 245  
NEW YORK



**Name: Chun Xiao Wu**

**Appointment Question about case  
Type:**

**Confirmation No.: NYC-06-17831**

**Authentication Code: 2c31**

**Appointment February 9, 2006  
Date:**

**Appointment Time: 9:00 AM**

**Location: 26 FEDERAL PLAZA, New York, NY 10278; Room 310**

**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.**

**This is your Confirmation  
Number:**



\* NYC - 06 - 17831 \*

**If you wish to cancel this appointment, you will need the  
following Personal Identification Number:**

**15706**

LAW OFFICES OF  
**YEE LING POON**

潘綺玲 律師樓

Glory China Tower  
11 East Broadway, 5th Floor  
New York, NY 10038

Tel.: (212) 385-4575  
Fax: (212) 385-4792

October 19, 2006

USCIS  
711 Stewart Avenue  
Garden City, NY 11530  
ATTN: D.A.O. Villaume

**Request for Status**

Re: **LIN, He Yin** **A73-166-544**  
**Last Adjustment Interview Date: 08/04/2005 at 8:00 AM**

Dear Officer Villaume:

The above-referenced alien had his Adjustment Interview with you on 08/04/2005. It has been **more than 14 months**, but we have not received your decision or further notice from you since.

Please look into this matter and advise us the status or make a decision on this case as soon as possible..

Thank you for your attention and prompt response.

Very yours truly,

  
Yee Ling Poon

YLP/sh  
Encl.





## United States Citizenship & Immigration Services

ADJUSTMENT OF STATUS UNIT (SECTION 245) • 711 STEWART AVENUE • GARDEN CITY • NEW YORK • 11530

He Yin Lin  
115 95 Lefferts Blvd.  
South Ozone Park, NY 11420

DATE: August 4, 2005  
FILE NO: A 73 166 544

**PLEASE RETURN REQUESTED MATERIAL BY: SEPTEMBER 4, 2005**

**PLEASE SUBMIT THE FOLLOWING DOCUMENTS:**

1. Employment letter from the beneficiary.
2. Please submit copies of Form 1040 along with W-2 Forms for years 2004, 2003, 2002. Form 1040 must show it has been filed correctly with the IRS and indicates it has been received.
3. Have the civil surgeon completely fill out the Form I-693 Supplement and submit to me in a sealed envelope.
4. I-601 Waiver and supporting documents.
5. Any Proof of Marital Union such as copies of bills, driver's licenses, credit card statements, with both names, proof of health insurance coverage and life insurance showing your spouse as beneficiary.
6. Family Pictures from 2001 and 2002
7. The supporting documents needed for the Form I-864-2003, 2002, W-2 Forms or transcript from IRS.
8. Copies of the divorce decrees for you and your petitioner.

PLEASE MAIL THE REQUESTED INFORMATION WITH THIS LETTER TO:

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES  
711 STEWART AVENUE  
GARDEN CITY, NEW YORK 11530  
ATTN.: D. A. O. VILLAUME

C.C.: SIU LING PUN, ESQ.

LAW OFFICES OF

**YEE LING POON**

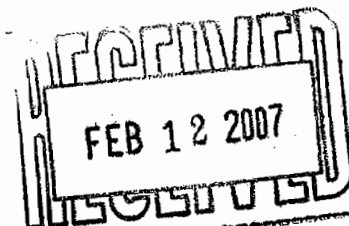
潘綺玲 律師樓

Glory China Tower  
11 East Broadway, 5th Floor  
New York, NY 10038

Tel.: (212) 385-4575  
Fax: (212) 385-4792

February 8, 2007

U.S. Citizenship & Immigration Services  
711 Stewart Avenue  
Garden City, NY 11530  
Attn: D.A.O. Villaume



**Request for Status**

Re: LIN, He Yin

A73-166-544

Last Adjustment Interview Date:

08/04/2005 at 8:00 AM

Dear Officer Villaume:

This is the **second** inquiry we have made regarding this application. Since the last interview it has been **nearly eighteen months**, and we have not yet received any further notice or decision from you since.

Please look into this matter and advise us the status of this case or make a decision as soon as possible.

Thank you for your attention and prompt response.

Very truly yours,

*Yee Ling Poon/sh*


Yee Ling Poon

YLP/sh

Encl.

3100171  
DEPT. OF JUSTICE  
FEB 12 2007

# THE UNITED STATES OF AMERICA

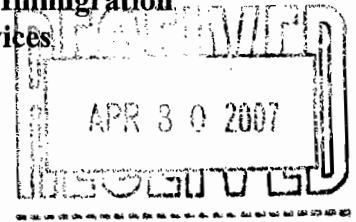
REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			NOTICE DATE March 03, 2005
CASE TYPE <b>FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS</b>			A# A 073 166 544
APPLICATION NUMBER MSC0418911684	RECEIVED DATE April 01, 2004	PRIORITY DATE April 01, 2004	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS HE YIN LIN 115 95 LEFFERTS BLVD APT 2R SOUTH OZONE PARK NY 11420		PLEASE COME TO: U.S. Citizenship and Immigration Services 711 STEWART AVENUE 2ND FLOOR SECT 2025 GARDEN CITY NY 11530	
1		FEB 12 2007	
ON: Thursday, August 04, 2005		AT: 08:00 AM	
You are hereby notified to appear for the interview appointment, as scheduled above, for the completion of your Application to Register Permanent Residence or Adjust Status (Form I-485). <b>Failure to appear may result in the denial of your application.</b>			
<b>Who should come with you?</b>			
<ul style="list-style-type: none"><li>■ If your eligibility is based on your marriage, your husband or wife must come with you to the interview.</li><li>■ If you do not speak English fluently, you should bring an interpreter who is neither a relative nor an interested party in your application.</li><li>■ Your attorney or authorized representative may come with you to the interview.</li></ul>			
NOTE: Every adult who comes to the interview <u>must</u> bring Government-issued photo identification, such as a driver's license or ID card, in order to enter the building and to verify his/her identity at the time of the interview. You do not need to bring your children unless otherwise instructed. Please be on time, but do not arrive more than 45 minutes early. We may record or videotape your interview.			
<b>What <u>MUST</u> you bring?</b>			
<ul style="list-style-type: none"><li>■ Bring this Interview Notice.</li><li>■ Bring your Government-issued photo identification.</li><li>■ Bring <u>all</u> your Passports and <u>any other</u> documents, including your Arrival/Departure Document (Form I-94), used to enter the United States.</li><li>■ Bring your Birth Certificate.</li><li>■ Bring <u>all</u> documentation establishing your eligibility for Lawful Permanent Resident status (<i>see below: "What else should you bring?"</i>).</li><li>■ Bring <u>all</u> immigration-related documentation ever issued to you.</li><li>■ Bring both <u>originals and photocopies</u> of all supporting documents. Otherwise, we may keep your originals for our records.</li><li>■ Bring a certified English translation for each document not in English. The translator must certify that s/he is fluent in both languages, and that the translation in its entirety is complete and accurate.</li></ul>			
<b>What else should you bring?</b>			
<ul style="list-style-type: none"><li>■ Bring any Employment Authorization card or paper, and any Authorization for Advance Parole (Form I-512) ever issued to you.</li><li>■ Bring your petitioner's Birth Certificate <i>and</i> your petitioner's evidence of United States Citizenship or Lawful Permanent Resident status.</li><li>■ If you have children, bring a Birth Certificate for <u>each</u> of your children.</li><li>■ If you are married, bring your Marriage Certificate.</li><li>■ If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring:<ul style="list-style-type: none"><li>■ Your spouse's Birth Certificate <i>and</i> your spouse's evidence of United States Citizenship or Lawful Permanent Resident status;</li><li>■ If either you or your spouse were ever married before, <u>all</u> divorce decrees/death certificates for <u>each</u> prior marriage/former spouse;</li><li>■ Birth Certificates for <u>all</u> children of this marriage, and custody papers for your children and for your spouse's children not living with you;</li><li>■ Supporting evidence of your relationship, such as joint financial statements, joint legal documents, joint insurance policies, and photos.</li></ul></li><li>■ If you have not already submitted it, bring a completed medical examination (Form I-693) <i>and</i> vaccination supplement in a sealed envelope.</li><li>■ Bring your Federal Income Tax returns <i>and</i> W-2's, or certified IRS printouts, for the past 3 years.</li><li>■ If you are employed, bring letters from each of your current employers on company stationery, verifying your current rate of pay <i>and</i> average weekly hours, <i>and</i> bring your pay stubs for the past 2 months.</li><li>■ Bring completed Affidavit(s) of Support (Form I-864), with <u>all</u> required evidence, including the following for <u>each</u> of your sponsors:<ul style="list-style-type: none"><li>■ Federal Income Tax returns <i>and</i> W-2's, or certified IRS printouts, for the past 3 years;</li><li>■ Letters from each current employer on company stationery, verifying current rate of pay <i>and</i> average weekly hours, <i>and</i> pay stubs for the past 2 months;</li><li>■ Evidence of United States Citizenship or Lawful Permanent Resident status.</li></ul></li><li>■ If you have ever been arrested, for <u>each</u> arrest, bring the related Police Report and the original or certified Final Court Disposition, even if the charges have been dismissed or expunged. If no court record is available, furnish a letter from the court with jurisdiction indicating this.</li></ul>			
PLEASE MAKE EVERY EFFORT TO KEEP YOUR APPOINTMENT, even if you do not have all the listed items. If an <u>emergency</u> , such as the hospitalization of a close relative, prevents you from appearing, call the Citizenship and Immigration Services (CIS) customer service as soon as possible. Please be advised that rescheduling will delay processing, may require some steps to be repeated, and will affect your eligibility for other immigration benefits while this application is pending.			
If you have questions, please call CIS customer service at 1-800-375-5283 (hearing impaired TDD service is 1-800-767-1833).			
APPLICANT COPY			



U.S. Department of Homeland Security



U.S. Citizenship  
and Immigration  
Services



YEE LING POON, ESQ.  
RE: HE YIN LIN  
11 EAST BROADWAY SUITE 5A  
NEW YORK, NY 10038

Dear Sir or Madam:

You recently submitted an inquiry to the California Service Center (CSC) via fax or letter. However, USCIS has launched a new referral tracking system through our National Customer Service Center. To ensure that customer inquiries are handled as effectively and quickly as possible, we are no longer accepting inquiries via fax or letter. Instead, we ask that you call our National Customer Service Center, which is available Monday through Friday, 8:00 AM – 5:00 PM, PST at **1-800-375-5283**. The National Customer Service Center will forward and track your inquiry with us to resolution.

Please note that we will continue to accept expedite requests via fax at 949-389-3441. Expedite requests must meet the criteria noted on our website at [www.uscis.gov](http://www.uscis.gov).

Please note that USCIS provides a case-status on-line inquiry service on our website at [www.uscis.gov](http://www.uscis.gov). Finally, the USCIS website also includes a chart that reports current processing dates for particular applications and petitions in relation to the date the application or petition was filed. The USCIS processes cases in the order received.

If you have submitted a change of address to the California Service Center (CSC) via fax or letter, it has been handled locally. If you have not completed Form AR-11, an Alien's Change of Address card, please complete and forward to the proper address shown on the bottom of Form AR-11.

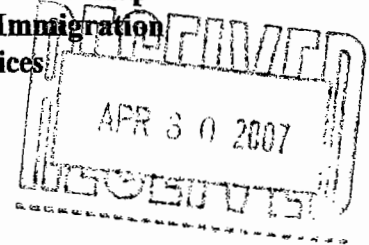
Thank you.



U.S. Department of Homeland Security



U.S. Citizenship  
and Immigration  
Services



LAW OFFICES OF YEE LING POON  
11 EAST BROADWAY, SUITE 5A  
NEW YORK 10038

A-Number / Receipt Number:

A 73 166 544

Dear Sir or Madam:

Thank you for your recent inquiry to the California Service Center (CSC) via fax or letter for information regarding your case status. USCIS has launched a new referral tracking system through our National Customer Service Center. To ensure that customer inquiries are handled as effectively and quickly as possible, we ask that you call our National Customer Service Center, which is available Monday through Friday, 8:00 AM – 5:00 PM, PST at 1-800-375-5283. The National Customer Service Center will track your inquiry with us to resolution.

Please note that we will continue to accept expedite requests via fax at 949-389-3441. Expedite requests must meet the criteria noted on our website at <http://www.uscis.gov/portal/site/uscis> - click on the "My Case is Pending" link.

Most importantly, USCIS provides a case-status online inquiry service on our website at [www.uscis.gov](http://www.uscis.gov) - just click on the "Case Status & Processing Dates" link. Finally, the USCIS website also includes a chart that reports current processing dates for particular applications and petitions in relation to the date the application or petition was filed. The USCIS processes cases in the order received.

Thank you.

**U.S. Department of Homeland Security**  
Jacob Javits Federal Building  
26 Federal Plaza  
New York, NY 10278



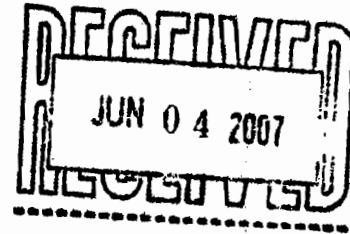
**U.S. Citizenship  
and Immigration  
Services**

Tuesday, May 29, 2007

YEE LING POON  
LAW OFFICE OF YEE LING POON  
11 E BROADWAY 5TH FL  
NEW YORK NY 10038

**ATTORNEY/PARALEGAL COPY**

HE YIN LIN  
115-95 LEFFERTS BLVD APT 2-R  
SOUTH OZONE PARK NY 11420



Dear HE YIN LIN:

On 05/02/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Person who contacted us:</b>	LIN, CHRISTY
<b>Caller indicated they are:</b>	A Paralegal or Other Employee of the Attorney of Record
<b>Attorney Name:</b>	YEE LING POON
<b>Case type:</b>	I485
<b>Filing date:</b>	04/01/2004
<b>Receipt #:</b>	MSC-04-189-11684
<b>Beneficiary (if you filed for someone else):</b>	LIN, HE YIN
<b>Your USCIS Account Number (A-number):</b>	A73166544
<b>Type of service requested:</b>	Case Status - Outside Processing Time

The status of this service request is:

Based on your request we researched the status of this case. We are actively processing this case. However, we have to perform additional review on this case and this has caused a longer processing time. If you do not receive a decision or other notice of action from us within 6 months of this letter, please call customer service at the number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services



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[Change Of Address](#)

[Services While Your Case is Pending](#)

[Civil Surgeons](#)

[Processing Times](#)

[Case Status Online](#)

[Case Status Search](#)

[Register](#)

[Login](#)

Receipt Number: msc0418911684

Application Type: I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS

Current Status: Fingerprints review completed.

Review of the fingerprints taken relating to this I485 APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS has been completed. Processing of this case continues. We will notify you by mail when we make a decision or if we need something from you. If you move while this case is pending, call customer service. We process cases in the order we receive them. You can use our processing dates to estimate when yours will be done. This case is at our NATIONAL BENEFITS CENTER location. Follow the link below to check processing dates. You can also receive automatic e-mail updates as we process your case. Just follow the link below to register.

You can choose to receive automatic case status updates, which will be sent via email. Please click [here](#) to create an account online.

If you would like to see our current Processing Dates for Applications and Petitions, click [here](#).

Note: Case Status is available for Applications and Petitions which were filed at USCIS Service Centers. If you filed at a USCIS Local Office, your case status may not be reviewable online but for processing times on forms filed at that Office please, [click here](#).

If you have a question about case status information provided via this site, or if you have not received a decision from USCIS within the current processing time listed, please contact Customer Service at (800) 375 – 5283 or 1-800-767-1833 (TTY).

[New Search](#)

[Printer Friendly Case Status](#)



05-02-2007 11:30 AM EDT

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[U.S. Department of Homeland Security](#)



## THE UNITED STATES OF AMERICA

Receipt Number: MSC-04-189-11684		Case Type: I-485 - Application to Register Permanent Residence or Adjust Status	
Received Date: April 06, 2004	Priority Date:	Applicant: A073166544 LIN, HE YIN	
Notice Date: April 14, 2004	Page 1 OF 1	ASC Code: 3	

YEE LING POON 11 EAST BROADWAY 5TH FLOOR NEW YORK NY 10038	Notice Type: Receipt Notice  Amount Received: \$1,305.00
--	--

The above application has been received. **Please notify us immediately if any of the above information is incorrect.** If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

**FINGERPRINTING AND BIOMETRICS-**

The next step is to have your fingerprints and biometrics taken at a BCIS Application Support Center (ASC).

Call our National Customer Service Center (NCSC) at **1-800-375-5283** to schedule your appointment. For hearing-impaired assistance, please call **1-800-767-1833**.

It is important that you schedule your appointment. If you do not schedule or appear for your appointment, it could cause your application to be denied. If you need to reschedule your appointment, please call the NCSC at **1-800-375-5283**.

**WHAT TO BRING TO Your appointment -**

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

**If you do not bring this letter and photo identification, we cannot process you.**

**Please bring a copy of all receipt notices received from BCIS in relation to your current application for benefits.**

**CASE STATUS -**

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

If you have Internet access, you can visit the Bureau of Citizenship and Immigration Services website at [www.BCIS.gov](http://www.BCIS.gov) where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U S BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES

P.O. BOX 648005

Lee's Summit, MO 64064

National Customer Service Center: 1-800-375-5283



BIOMETRICS PROCESSING STAMP  
X/NK  
ASC SITE CODE: REVIEW BY  
BIOMETRICS QA REVIEW BY  
ON 5/24/04  
157801 ON 5/24/04

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## U.S. Citizenship and Immigration Services New York City NY Processing Dates Posted July 16, 2007

**Notice:** U.S. Citizenship and Immigration Services (USCIS) has improved the reporting procedure for processing times of immigration benefit applications. In the past, USCIS benefit processing reports indicated the specific type of applications or petitions that were being processed and the date the cases were received. However, the date the case was received did not provide a clear indication of when USCIS expected to complete the case, nor did it provide a clear indication of USCIS' commitment to process cases within a certain cycle time. It also did not align with the processing times and cycle times the agency reports in other contexts.

This improved reporting procedure is an effort to give our customers more accurate information that better reflects current processing time and USCIS service level commitments. Effective immediately, when we are completing applications and petitions within our service level goals we will report that as the processing time. For example, when our service level goal is to process a particular kind of case within six months, and if our processing time is six months or less, we will show a date consistent with our service level goal because that reflects our commitment.

When we are not meeting our service level goal, the date posted will reflect the filing date of cases that are being completed. It should be noted that while in some instances reported processing dates may appear to have regressed due to this change, they do not reflect a lengthening of USCIS processing times, but simply the change in reporting. Our goal is to provide accurate projections and thus give customers clear expectations as to what they can expect as a processing time.

### There are several important exceptions to the processing times shown below:

- Case processing will be delayed if we must ask you for more evidence or information. If we ask for missing required initial evidence, count the processing time from when we receive that missing evidence.
- The case processing timeframe will start over if a customer doesn't appear for an interview or asks that it be rescheduled.

### What if I have a problem or have questions about a case?

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet –

[Case Services - How do I... know what kind of services are available to me after I file my application or petition?](#)

One additional point about these projections. They are the time to complete processing and mail the actual notice and/or document. If you check case status online and see that your case has been approved, and you

haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us. That is because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

District Office Processing Dates for **New York City NY** Posted July 16, 2007

Form	Form Name	Now Processing Cases with Receipt Notice Date of:
<b>I-131</b>	Application for Travel Documents	April 14, 2007
<b>I-485</b>	Application to Register Permanent Residence or Adjust Status	October 26, 2006
<b>I-600</b>	Petition to Classify Orphan as an Immediate Relative	March 30, 2007
<b>I-600A</b>	Application for Advance Processing of Orphan Petition	March 30, 2007
<b>I-765</b>	Application for Employment Authorization	April 28, 2007
<b>N-400</b>	Application for Naturalization	December 12, 2006
<b>N-600</b>	Application for Certification of Citizenship	February 17, 2007

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07-19-2007 05:36 PM EDT

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[U.S. Department of Homeland Security](#)



www.usps.com

United States Postal Service®  
**DELIVERY CONFIRMATION™**



www.usps.com

From:

LIN 73-166-544

LAW OFFICES OF YEE LING POON  
11 EAST BROADWAY, 5th Floor  
NEW YORK, NEW YORK 10038

TO:

Andrea Guarantillo  
26 Federal plaza  
New York NY 10278

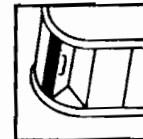
Label 228 July 2002

**2. PAYMENT METHOD**

Affix postage or meter strip to area indicated in upper right hand corner.

**3. ATTACH LABEL (Optional)**

Remove label backing and affix in designated location.



4. Bring your Priority Mail package to a post office, present it to you or call 1-800-222-1811 for pickup. Stamped mail may be deposited in collection box **ONLY** if it weighs less than 16 ounces.

**U.S. Postal Service™ Delivery Confirmation™ Receipt**

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Andrea Guarantillo  
(Please Print Clearly)  
26 Federal plaza  
New York NY 10278

Postmark  
Here

DELIVERY CONFIRMATION NUMBER:

0305 2710 0001 4857 2854

LIN He Yin  
PS Form 152, May 2002

**POSTAL CUSTOMER:**

Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)®  
or call 1-800-222-1811

**CHECK ONE (POSTAL USE ONLY)**

- ☒ Priority Mail™ Service  
☐ First-Class Mail® parcel  
☐ Package Services parcel

(See Reverse)

HO







United States Postal Service®  
**DELIVERY CONFIRMATION™**



0305 2710 0000 7398 9420

DELIVERY CONFIRMATION NUMBER:

0305 2710 0000 7398 9420

### U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

USAO for SDNY  
86 Chambers St., 3rd Floor  
New York NY 10007

Postmark  
Here

#### POSTAL CUSTOMER:

Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)  
or call 1-800-222-1811

#### CHECK ONE (POSTAL USE ONLY)

- ☒ Priority Mail™ Service  
☐ First-Class Mail® parcel  
☐ Package Services parcel

(See Reverse)

PS Form 152, May 2002

www.usps.com



www.usps.com

From:

Ln 73-166-544

LAW OFFICES OF YEE LING POON  
11 EAST BROADWAY, 5th Floor  
NEW YORK, NEW YORK 10038

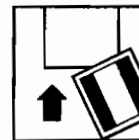
TO: USAO for SDNY  
86 Chambers St., 3rd Floor  
New York NY 10007

Label 228 July 2002

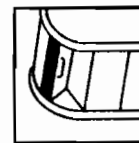
▲ Complete address information or place label here ▲

#### 2. PAYMENT METHOD

Affix postage or meter strip to area  
indicated in upper right hand corner.



3. ATTACH LABEL (Optional)  
Remove label backing and  
affix in designated location.



4. Bring your Priority Mail package  
a post office, present it to you,  
or call 1-800-222-1811 for pic  
Stamped mail may be deposited  
collection box **ONLY** if it weighs  
than 16 ounces.

Web

UNITED STATES  
POSTAL SERVICE

## CUSTOMER'S RECEIPT

KEEP THIS  
RECEIPT FOR  
YOUR RECORDS

PAY TO

ADDRESS

C. O. D. OR  
USED FORSEE BACK OF THIS RECEIPT  
FOR IMPORTANT CLAIM  
INFORMATION**NOT  
NEGOTIABLE**SERIAL NUMBER  
11341134595YEAR, MONTH, DAY  
2007-08-15POST OFFICE  
114201AMOUNT  
\$350.00CLERK  
0001

ORIGINAL-WHITE

DUPLICATE-YELLOW

TRIPPLICATE-PINK

RECEIPT FOR PAYMENT

UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF NEW YORK

E 625839

RECEIVED FROM

at  
He Yin Lin

07 cv 7736 (LAP)

## Fund

6855XX  
604700

Deposit Funds

Registry Funds

General and Special Funds

508800

Immigration Fees

085000

Attorney Admission Fees

086900

Filing Fees

322340

Sale of Publications

322350

Copy Fees

322360

Miscellaneous Fees

143500

Interest

322380

Recoveries of Court Costs

322386

Restitution to U.S. Government

121000

Conscience Fund

129900

Gifts

504100

Crime Victims Fund

613300

Unclaimed Monies

510000

Civil Filing Fee (1/2)

510100

Registry Fee

INVOICE #81592

DATE/TIME: 8/30/2007 2:30:10 PM

CASHIER: SAYRA #3

STATION: 01

1 COMPLAINT 4/06 \$350.00

086900 \$60.

510000 \$190.00

086400 \$100.00

GRAND TOTAL \$350.00

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

DEPUTY CLERK:

DATE:

20

Cash

Check

M.O.

Credit